

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

DONNA YOUNG,

Plaintiff,

v.

Case No. 09-cv-253-JPG

BIG LOTS STORES, INC. and DENISE  
MCPHERSON,

Defendants.

**MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiff Donna Young and Defendant Big Lots Stores, Inc.'s ("Big Lots") Stipulation (Doc. 42) of voluntary dismissal with prejudice. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the plaintiff may dismiss an action without court order by filing such a stipulation signed by all parties who have appeared in this case. While Defendant Denise McPherson does not join in the stipulation, the Court notes that she was dismissed without prejudice from this matter on June 25, 2009. (*See* Doc. 31). Accordingly, the Court **DISMISSES** this case **with prejudice** as it relates to Big Lots and **without prejudice** as it relates to McPherson. However, the Court **RESERVES** ancillary jurisdiction over the settlement between Young and Big Lots up to and including April 7, 2010. *Lucille v. City of Chicago*, 31 F.3d 546, 548 (7th Cir. 1994) (Parties need to ensure that the Court's judgment "explicitly incorporates the settlement, or reserves authority to enforce the settlement, [if it is to possess] ancillary jurisdiction."); *see also Jessup v. Luther*, 277 F.3d 926, 929 (7th Cir. 2002); *Kokkonen v. Guardian Life Ins.Co.*, 511 U.S. 375, 381 (1994). Finally, the Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: March 8, 2010**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**